

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 6377 of 2004

Union of India and ors....Petitioners

VS

Vijendra Prakash..Respondent

Mr S S Pakale with S S Sarkar for petitioners

Mr. S V Marne for respondent

CORAM:A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated 20.10.2004

P.C:

1. Heard advocates. Perused order of the tribunal. The tribunal has recorded a finding that the order of the disciplinary authority imposing punishment of removal from service on the respondent is not totally perverse arbitrary and illegal. It is observed by the tribunal that the order of the disciplinary authority was not based on any evidence on record of enquiry, but is based on extraneous consideration as well as the documents which were not referred before the enquiry officer. In any event it is pointed out that so far as the report of the joint commissioner is concerned which is the basis of the order of the disciplinary authority was not even addressed to

the sales tax department bringing to their notice the so called discrepancy in the cash memo of M/s Pooja Medicals. The joint commissioner who has made the report has not been examined. We have gone through the report and the report does not contain any adverse material against the respondent. We are also informed that pursuant to the order of the tribunal the respondent has been reinstated in service and therefore nothing survives in this petition.

Petition is dismissed.